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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,845	05/19/2000	Connie D. Myers	M-8551 US	1650
500 7590 04/08/2004 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			EXAMINER JANVIER, JEAN D	
			ART UNIT 3622	PAPER NUMBER

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/575,845

Applicant(s)

MYERS, CONNIE D.

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **Response To Applicant's Amendments**

The objection to the title of the invention and the 101 Rejection are still maintained (see below). Further, the objection applied to the claimed invention has been withdrawn.

### **DETAILED ACTION**

#### ***Specification***

The title of the invention, under 37 CFR 1.72, should be descriptive, brief and technically accurate.

#### **Status of the claims**

Claims 1-46 were originally presented and claims. After the first Office Action on the merits, claims 47-62 were added. Thus, claims 1-46 and 47-62 are now pending in the Instant Application.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In

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carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673

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(1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but

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rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

Claims 15-17, 37-41 and 47-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. Here, the steps as recited in the claims pertain to a manual process and therefore, the claims do not fall within the technological art. For example, although independent claim 15 recites, in the preamble "... A method in a computer system for assessing brand recognition ...", however the body of the claim do not refer to any device or hardware or the computer system cited in the preamble capable of performing the steps of the claim. To this end, a relevant device or hardware, such as a computer system, a database, a data communication, computer network, the Internet and so and so forth should be used to implement the steps or process recited in at least independent claims 1, 15 and 37.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-46 and 47-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnett et al. (hereinafter Barnett), US Patent 6, 321, 208 B1.

As per claims 1, 18, 15, 47, 52, 57 and 60-62, Barnett discloses a system (advertising medium) for distributing over the Internet electronic coupons from distributor 16 and coupon issuer 14 (vendor) to a specific user using a personal computer 6 of fig. 1 linked to a server or a web server or online service provider 2 having a database 40 (storing multi-vendor-rebate-list or coupon data) containing product coupons and information on products and services (promotional items or advertisements) available for sales at participating retail stores or online shopping malls and wherein upon connecting to said system or online service provider 2 of fig. 1 over the Internet, the user using personal computer 6 can download coupon data directly to his personal computer memory or Hard disk drive where they can be printed in the form of paper coupons 70

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(hard copies-fig. 5). Subsequently, the user takes the printed coupons to a participating retail store and wherein upon detecting the presence of a UPC code related to a promotional item associated with a printed coupon in the customer's order, the coupon is redeemed accordingly, subsequent to verifying the identity of the user or the bearer of the coupon, and a price reduction is applied to the customer's order and the user's or customer's transaction data including the coupon redemption information are forwarded to the coupon distributor 16 and/or coupon issuer 14 where they can be used to further prepare targeted coupon packages for the user or customer. In a further embodiment, the user is conducting a business transaction with an online shopping mall (having a server or e-tail server), which is connected over the Internet to the online service provider 2 so as to detect (search) in the customer's order any matching UPC code associated with a discount coupon, stored in database 40 of online service provider 2, and if a matching UPC code is found, the value of the coupon is determined in real-time and a price reduction is automatically applied to the customer's order. In other words, the process of receiving coupon data (a portion of the multi-vendor-rebate list) from a coupon issuer 14 (vendor) and displaying the coupon data (multi-vendor-rebate list) to a user, who accesses the online service provider 2 to download coupon information are anticipated by the prior art.

In short, the coupon issuer 14 or vendor (manufacturer) or coupon distributor 16 transmits coupon packages (list of coupons or shopping list) to the online service provider 2 or distribution medium, over a communication link, to be stored in "coupon packages and advertising graphics map" database file 40 of fig. 6, wherein the coupon packages or coupon data are stored in the form of files having specific filenames. Upon accessing a web site related to the online service provider 2, the customer or user can view one or more coupons (a list of coupon or



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shopping list), from at least one coupon issuer 14, displayed on a web page of the related web site in text or graphical format (branded marks) and wherein the user can download specific coupon data to his personal computer 6, by activating or clicking on one or more coupon files (marks) displayed on the web page, where they can be printed or permanently saved for later retrieval. Further, the user's or customer's interaction with the coupon packages, from one or more coupon issuers 14, displayed in the form of text or graphical format (marks) is monitored to determine or track the coupons viewed, the coupons selected, coupons printed, coupons redeemed and the coupons deleted from previously stored coupons on the user's personal computer (tracking the number of times each of the at least two marks has been selected by the user) and wherein the interaction or monitoring data are subsequently forwarded to the coupon distributor 16 or coupon issuer 14 for integration into marketing analysis to further prepare more targeted coupon packages for the customers. Further, a local file or shopping list routine 58 stored on the user's personal computer 6 allows the user to generate a shopping list from a menu presented on his computer screen whichever items the user desires to purchase and the user can print this shopping list along with the related coupons before going to the retailer's store 10.

(See abstract; **col. 6: 52-65**; figs. 1, 5, 6; col. 7: 36-55; col. 8: 14-21; **col. 9: 34 to col. 10: 64**; col. 11: 29-43; col. 12: 14-31).

As per claims 37 and 42, Barnett discloses a system (advertising medium) for distributing over the Internet electronic coupons from distributor 16 and coupon issuer 14 (vendor) to a specific user using a personal computer 6 of fig. 1 linked to a server or a web server or online service provider 2 having a database 40 (multi-vendor-rebate-list) containing product coupons

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and information on products and services (promotional items or advertisements) available for sales at participating retail stores or online shopping malls and wherein upon connecting to said system or online service provider 2 of fig. 1 over the Internet, the user using personal computer 6 can download coupon data directly to his personal computer memory or Hard disk drive where they can be printed in the form of paper coupons 18 (hard copies-fig. 5). Subsequently, the user takes the printed coupons to a participating retail store and wherein upon detecting the presence of a UPC code related to a promotional item associated with a printed coupon in the customer's order, the coupon is redeemed accordingly, subsequent to verifying the identity of the user or the bearer of the coupon, and a price reduction is applied to the customer's order and the user's or customer's transaction data, including coupon value, expiration date, product associated with the coupon, the customer's identification, the retail store where the coupon was redeemed or the coupon redemption information, etc., are forwarded or transmitted to the coupon distributor 16 and coupon issuer 14 where they can be used to further prepare targeted coupon packages for the user or customer and pay or compensate the retailer by crediting the retailer's account or electronically transfer funds to the retailer's bank account using conventional means for accepting or redeeming the said coupon. In a further embodiment, the user is conducting a business transaction with an online shopping mall (having a server or e-tail server), which is connected over the Internet to the online service provider 2 so as to detect (search) in the customer's order any matching UPC code associated with a discount coupon, stored in database 40 of online service provider 2, and if a matching UPC code is found, the value of the coupon is determined or generated in real-time (generating a coupon) and a price reduction is automatically applied to the customer's order.

It is further to be understood that advertisers or vendors or manufacturers or coupon issuer 14 and distributor 16 should be able to receive, from the system or advertising medium, information related, for example, to the number of downloaded coupons, demographic profile of users downloading specific coupons, number of times a particular coupon was viewed by users, billing statement concerning the amount of money owed by a vendor or distributor 16 or coupon issuer 14 to the advertising medium or provider 2 for distributing the coupon issuer 14 or distributor 16 coupons (advertisements) over the Internet, etc., subsequent to transmitting, by a valid or identified vendor or coupon issuer 14 or distributor 16, a request (inquiry) requesting such information from the advertising medium or provider 2, wherein part of this information is used to further prepare customized packages (coupons) in order to target specific users or customers.

(See abstract; figs. 1, 5; col. 7: 36-55; col. 8: 14-21; col. 11: 29-43; col. 12: 14-31).

As per claim 2-17, 19-36, 48-51, 53-56 and 58-59, Barnett discloses a system (advertising medium) for distributing over the Internet electronic coupons from distributor 16 and coupon issuer 14 (vendor) to a specific user using a personal computer 6 of fig. 1 linked to a server or a web server or online service provider 2 having a database 40 (multi-vendor-rebate-list) containing product coupons and information on products and services (promotional items or advertisements) available for sales at participating retail stores or online shopping malls and wherein upon connecting to said system or online service provider 2 of fig. 1 over the Internet, the user using personal computer 6 can download coupon data directly to his personal computer memory or Hard disk drive where they can be printed in the form of paper coupons 18 (hard

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copies-fig. 5). Subsequently, the user takes the printed coupons to a participating retail store and wherein upon detecting the presence of a UPC code related to a promotional item associated with a printed coupon in the customer's order, the coupon is redeemed accordingly, subsequent to verifying the identity of the user or the bearer of the coupon, and a price reduction is applied to the customer's order and the user's or customer's transaction data including the coupon redemption information are forwarded to the coupon distributor 16 and coupon issuer 14 where they can be used to further prepare targeted coupon packages for the user or customer. In a further embodiment, the user is conducting a business transaction with an online shopping mall (having a server or e-tail server), which is connected over the Internet to the online service provider 2 so as to detect (search) in the customer's order any matching UPC code associated with a discount coupon, stored in database 40 of online service provider 2, and if a matching UPC code is found, the value of the coupon is determined or generated in real-time (generating a coupon) and a price reduction is automatically applied to the customer's order.

It is further to be understood that advertisers or vendors or manufacturers or coupon issuer 14 and distributor 16 should be able to receive, from the system or advertising medium, information related, for example, to the number of downloaded coupons, demographic profile of users downloading specific coupons, number of times a particular coupon was viewed by users, billing statement concerning the amount of money owed by a vendor, etc., subsequent to transmitting, by a valid or identified vendor or coupon issuer 14 or distributor 16, a request (inquiry) requesting such information from the advertising medium or provider 2, wherein part of this information is used to further prepare customized packages (coupons) in order to target specific users or customers.

Moreover, it is inherent in the prior art (current reference) that each coupon issuer 14 and distributor 16 (vendor) is assigned an ID, account number or identifier or code used to identify the coupon issuer 14 or distributor 16, who provide the coupons. The coupon issuer 14 or distributor 16 can also use the identifier, in the form of a password, code or ID or account number, to access the advertising medium or provider 2 (as discussed above), as commonly practiced in the art.

(See abstract; figs. 1, 5; col. 8: 14-21; col. 11: 29-43; col. 12: 14-31).

As per claims 38-41 and 43-46, Barnett discloses a system (advertising medium) for distributing over the Internet electronic coupons from distributor 16 and coupon issuer 14 (vendor) to a specific user using a personal computer 6 of fig. 1 linked to a server or a web server or online service provider 2 having a database 40 (multi-vendor-rebate-list) containing product coupons and information on products and services (promotional items or advertisements) available for sales at participating retail stores or online shopping malls and wherein upon connecting to said system or online service provider 2 of fig. 1 over the Internet, the user using personal computer 6 can download coupon data directly to his personal computer memory or Hard disk drive where they can be printed in the form of paper coupons 18 (hard copies-fig. 5). Subsequently, the user takes the printed coupons to a participating retail store and wherein upon detecting the presence of a UPC code related to a promotional item associated with a printed coupon in the customer's order, the coupon is redeemed accordingly, subsequent to verifying the identity of the user or the bearer of the coupon, and a price reduction is applied to the customer's order and the user's or customer's transaction data, including coupon value, expiration date,

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product associated with the coupon, the customer's identification, the retail store where the coupon was redeemed or the coupon redemption information, etc., are forwarded or transmitted to the coupon distributor 16 and coupon issuer 14 where they can be used to further prepare targeted coupon packages for the user or customer and/or pay or compensate the retailer by crediting the retailer's account or electronically transfer funds to the retailer's bank account using conventional means for accepting or redeeming the said coupon. In a further embodiment, the user is conducting a business transaction with an online shopping mall (having a server), which is connected over the Internet to the online service provider 2 so as to detect (search) in the customer's order any matching UPC code associated with a discount coupon, stored in database 40 of online service provider 2, and if a matching UPC code is found, the value of the coupon is determined or in real-time (transmitting coupon data to inform a retailer of specific coupon or rebate data associated with an identified customer) and a price reduction is automatically applied to the customer's order. In a further embodiment, the coupon data associated with an identified customer can be electronically transmitted to a local retail store where the customer can redeem the said coupon (col. 11: 29-43).

It is further to be understood that owners (retailers) of retail stores redeeming coupons can receive from the system information related, for example, to the amount of money due to the retailers by coupon issuer 14 and distributor 16 for redeeming coupons presented by identified customers, subsequent to transmitting by the retailers redemption data, including coupon value, expiration date, product associated with the coupon, the customer's identification, the retail store where the coupon was redeemed, etc., to the system.

(See abstract; figs. 1, 5; col. 7: 36-55; col. 8: 14-21; col. 11: 29-43; col. 12: 14-31).

### **Response To Applicant's Arguments**

First and foremost, the Applicant's arguments related to amended claims and new claims are fully addressed in the above Office Action.

Furthermore, the Examiner equates a coupon or coupon package, as disclosed by Barnett, to a mark or a symbol or graphical image representing a promotion associated with a product or service or brand name from a manufacturer or a retailer. Here, Barnett discloses a system for allowing a customer to browse among a plurality of marks or coupon packages, to download coupon packages or marks to his computer where the coupon packages or marks can be used to print hard copies of the coupons or to create a shopping list. Barnett also discloses a system for tracking a customer's activities such as recording the number of coupons viewed by a customer, downloaded by the customer, redeemed by the customer in an effort to measure the effectiveness of the system. By keeping an accounting of the user's activities including buying history, the system can determine which brand name or mark the user or customer has a tendency to purchase (brand recognition).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the present Office Action **has been made Final.**

### **Conclusion**

The following references, although not used, are considered to be relevant-

US Patent 6, 362, 840B1 discloses a system for graphical display of link actions.

WO 97/23838 to Scroggie discloses an incentive distribution network or system for providing purchase incentive offers, such as electronic coupons, recipes, rebates, shopping aids, product samples, supermarket specials, etc. to qualified customers over the Internet. First of all, the customer logs into the system and fills out a registration form where he provides his demographic information including geographical location having a specific zip code and other postal code since the features of the present system are location-dependent. If it is determined by the system that the submitted zip code is a valid zip code, that is a zip associated with a retail store where an electronic coupon can be redeemed, then the system allows the customer to proceed to the main menu and browse among available purchase incentive offers. The system merges customer supplied-information 270 with other purchase incentive data 272 of fig. 12 and creates a printable graphical image of the purchase incentive 282 for transmission or delivery to the identified customer. In one alternate embodiment of the invention, the purchase incentive or electronic coupon is not directly transmitted to the customer instead the terms of the purchase incentive or coupon, for example, are transmitted electronically to a retail store 310 of fig. 13, located in the customer's geographical location or zip code, pre-selected by the said customer, who receives either a token 316 or an advisory message to present at the retail store 310 during a redemption process. In a further embodiment of the invention, incentives may be targeted to a specific customer based on the customer's purchase history (previous purchase) 502 and



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transmitted to consumer's computer 510 via electronic mail or e-mail address stored in a consumer database 506, storing customer's registration information, coupled to system's administrator's online web site 508 of fig. 15 having a web server or using a personal web page in the computer network established for each consenting consumer (See abstract; page 10: 4 to page 11: 14; figs. 1-5, 11-16).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

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by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113.

Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

04/03/04

A handwritten signature in black ink, appearing to read "Jennifer Jean Dorio". The signature is written in a cursive, flowing style with a large initial "J".